



October 16, 2006

**PRESIDENT**

SHEILA LEE, P.E.  
BUILDING OFFICIAL  
CITY OF SANTA CLARA

**FIRST VICE PRESIDENT**

GENE PADLINI, C.B.O.  
BUILDING OFFICIAL  
CITY OF ROSEVILLE

**SECOND VICE PRESIDENT**

JAY ELBETTAR, P.E., C.B.O.  
DIRECTOR, BUILDING DEPARTMENT  
CITY OF NEWPORT BEACH

**PAST PRESIDENT**

WILLIAM R. SCHOCK, C.B.O.  
CHIEF BUILDING OFFICIAL  
CITY OF SAN LEANDRO

**DIRECTORS**

KEITH CLARKE, C.B.O.  
BUILDING OFFICIAL  
CITY OF CORONA

STEPHAN KIEFER, C.B.O.  
BUILDING OFFICIAL  
CITY OF LIVERMORE

RICHARD S. RENFRO, C.B.O.  
BUILDING OFFICIAL  
CITY OF ELK GROVE

JAY SALAZAR, P.E.  
CHIEF BUILDING OFFICIAL  
CITY OF VACAVILLE

DAN PAVAO, C.B.O.  
BUILDING OFFICIAL / FIRE MARSHAL  
CITY OF EL CAJON

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

[cbssc@dgs.ca.gov/](mailto:cbssc@dgs.ca.gov)

Attn: Thomas L. Morrison, Deputy Executive Director

Re: NOTICE OF PROPOSED CHANGES TO THE CALIFORNIA  
CODE OF REGULATIONS, TITLE 24, PART 2 (BUILDING  
CODE)

In accordance with the California Building Standards Administrative Code, Article 1-901(d), the California Building Officials (CALBO), State Code Committee submits the following comments for consideration. We request the State Agencies amend code change proposals as described below.

**1. (ALL STATE AGENCIES AMENDING THE MODEL CODES) We request the State Agencies “flag” and italicize each amendment, and retain model code language with the body of the State Code publication. Unamended model code language would be followed by the State Agencies’ revised/amended code language.**

We request that each of the state agency amendments be individually identified (as has been done in the past) with the State Agency initials or similar means. Where an entire chapter (or large section of a chapter) is added or completely re-written, the agency identification may be placed once, at the beginning of the change.

All model code language should remain within the California Code publication, for reference. Revised language (as well as added language) should be italicized (as has been done in the past).

The notations and procedures noted above will help the reader to readily determine applicability. Having unamended model code language next to revised or added State agency language will provide

the reader with a contextual reference and therefore, assist the reader with understanding applicability and intent. Retaining model code language and clearly identifying added and revised State Agency language will also assist in code evaluation during future code cycles.

The notations and procedures noted above will help the reader to readily determine applicability. Having unamended model code language next to revised or added State agency language will provide the reader with a contextual reference and therefore, assist the reader with understanding applicability and intent. Retaining model code language and clearly identifying added and revised State Agency language will also assist in code evaluation during future code cycles.

## **Section 202, Definitions:**

### **2. (SFM) Withdraw the amendment to the definition of “Building”**

This amendment is unnecessary and confusing. The amendment refers to two Health & Safety code sections which do not change the meaning listed in the model code. Amending this definition will not provide necessary contextual meaning or added clarification.

The Initial Statement of Reasons suggests this amendment is bringing forth statutory language. Bringing forth statutory language should only be done when the language changes the meaning of the model document. In this case, it does not. Furthermore, the statement of reasons does not meet the 9-point criteria.

NOTE: During the Building Standards Commission, Building, Fire & Other Code Advisory Committee (B.F. & O. C.A.C.) meeting, the committee concluded this proposed amendment should not be accepted. The State Fire Marshal staff agreed to withdraw the amendment.

### **3. (SFM) Withdraw the amendment to the definition of “Building Official”**

This amendment is redundant, confusing and unnecessary. The amendment does not clarify nor does it add context in any way. The initial part of the amending language restricts the model code definition by inserting the term “building official’s” in front of “duly

authorized representative.” The balance of the amending language then directs the definition away from this inserted language.

The Initial Statement of Reasons does not meet any of the 9-point criteria.

NOTE: During the Building Standards Commission, Building, Fire & Other Code Advisory Committee (B.F. & O. C.A.C.) meeting, the committee concluded this proposed amendment should not be accepted. The State Fire Marshal staff agreed to withdraw the amendment.

**4. (SFM) Within the added definition for “Noncombustible,” change the word “rating” to “index.”**

This is an editorial clarification.

Changing the term, “flame spread rating” to “flame spread index” will provide consistency with the model code document as well as other SFM amendments. While the term, “flame spread index” is used several times with the model code and SFM amendments, the term “flame spread rating” is not present.

The SFM express terms appropriately applies the phrase, “flame spread index” in all other locations. 443.4 (p. 95), 603.1 (p.106) 3 times, 719.1 (p.116) 2 times, and 719.7 (p.116).

**5. (SFM) Section 403.9  
Remove the words, “and the following” from the proposed amendment.**

This is an editorial clarification. The amendment is more easily understood if it is simply inserted as a separate sentence following “...in accordance with Chapter 30.”

**6. (SFM) Section 507.9  
Correct the mis-spelling (typo) within condition #3 – Add t to “feet.”**

**7. (SFM) Section 705.1.2  
Editorial; Underline the entire section. The entire section is part of an amendment and should therefore, be underlined.**

**8. (SFM) Section 701A.3.2.2**

**Amend the proposal as follows,**

**~~The local building official shall, prior to construction, provide the owner or applicant~~ *A copy of the building permit shall be used as a certification that the building as proposed....***

This revision eliminates an unnecessary redundancy in the code, while still meeting the stated intent. The building official is already required to review building project plans. When plans conform to applicable construction codes (including chapter 7A of the building code), the building official is required to issue a building permit. In referring to the action on a permit application, Section 105.3.1 states, “The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing...If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.”

As currently written, the proposal would unnecessarily delineate one section of the code for specific compliance while remaining silent on the balance of the code. This revision would eliminate this unnecessary redundancy and provide consistency with the balance of the code.

We believe each of these comments to be predominantly editorial in nature. The requested modifications will not materially alter a requirement, right, responsibility, condition, or prescription.

CALBO supports the continued State Agency efforts to meet the Building Standards Commission adoption timeline. We will continue to remain engaged in the amendment process, and assist the State agencies wherever possible.

We appreciate your consideration.

Sincerely,

Stephan Kiefer, Chair  
State Code Committee

cc: California State Fire Marshal’s Office  
Attn: Kate Dargan & Kevin Reinertson